

AUG 04 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : HOFFBECK, Loren John  
SERIAL NO : 10/753,119  
FILED : January 6, 2004  
TITLE : INBRED MAIZE LINE PH4GP

Grp./A.U. : 1638  
Examiner : FOX, David T.  
Conf. No. : 5211  
Docket No. : P06284US01 - PHI 1327C

## SUPPLEMENTAL AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As a follow-up to Applicant's Amendment filed on May 19, 2005, in response to the communication from the Examiner dated February 23, 2005, and in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case.. It is respectfully requested that this Supplemental Amendment be entered and made of record. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.111. Applicant respectfully requests reconsideration.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))


I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9306.

08/23/2005 ZADAMS Date: 8/4/05  
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PAGE 28 \* RCVD AT 8/23/2005 5:22:24 PM (Eastern Daylight Time) \* SVR:USPTO-EFXXF-6/30 \* DIBS:2738300 \* CSID:5152881338 \* DURATION (mm-ss):02-18

**REMARKS**

This Supplemental Amendment is being submitted in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case.

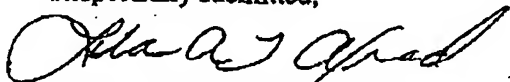
The present application relates to inbred maize line PH4GP. Claims 1-10 are pending in the present application. Claim 2 was previously amended in the Amendment of May 19, 2005. Applicant acknowledges the addition of claims 11 through 30. The new claims do not add new matter as there is support for the claims in the originally filed specification. Support for the specific items can be found within the specification for herbicide tolerance on pages 31-32; insect resistance and resistance to bacterial, fungal, nematode or viral disease on pages 28-31; yield enhancement on page 21; waxy starch and improved nutritional quality on page 21; male sterility and restoration of male fertility on pages 2-3; and 0-5 generations on pages 3-4. No new matter has been added. Entry of this Supplemental Amendment and approval of the changes is respectfully requested.

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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